

# Interagency **TASK FORCE** ON Drunk Driving

Colorado Department of Transportation  
January 22, 2010 - 9:00 am-Noon  
CDOT Headquarters – 2<sup>nd</sup> Floor Auditorium

Interagency Task Force on Drunk Driving (ITFDD) created by enactment of Senate Bill 06-192 whose mission is to:

*Investigate methods of reducing the incidence of drunk and impaired driving and to develop recommendations for the State of Colorado regarding the enhancement of government services, education and intervention to prevent drunk and impaired driving.*

## I. Introductions

### **Members**

- Pam Hutton, Colorado Department Of Transportation (CDOT), Chair
- Colonel Jim Wolfinbarger, Colorado State Patrol (CSP)
- Christine Flavia, Colorado Department of Human Services - Division of Behavioral Health
- Steve Hooper, Department of Revenue (DOR)
- Thomas Quinn, State Court Administrator's Office (SCAO)
- Honorable Ed Casias, 5<sup>th</sup> Judicial District
- Scott Schultz, State Public Defender's Office (SPDO) (Absent)

### **Representatives**

- Bill Young, MillerCoors
- Emily Tompkins, Mothers Against Drunk Driving (MADD)
- Jeanne McEvoy, Colorado License Beverage Association (Absent)
- Abe Hutt, Colorado Criminal Defense Bar (Absent)
- Paul Wood, Weld County Sheriff's Office (WCSO) (Absent)
- Chief Russell Van Houten, Northglenn Police
- Steve Findley, Colorado Beer Distributors Association (Absent)
- Steve Wrenn, Weld County District Attorney Office

### **Others in attendance**

Michael Nugent  
Glenn Davis  
Robin Rocke  
Raymond Fisher  
Paul Hofmann  
Christine Adams  
Shane Bahr  
Donnie Patch

Dr. David Timken  
Sharon Liu  
Kris Johnson  
Heather Halpape  
Harry McCrystal  
Tom Lorz

II. DUI Court presentation

Paul Hofmann/Shane Bahr - Judicial

Problem Solving Courts focus on closer collaboration with the service communities in their jurisdictions and stress a collaborative multidisciplinary, problem solving approach to address the underlying issues of individuals appearing in court.

The Problem Solving Courts Advisory Committee was established by Chief Justice Mullarkey in April of 2008. There are currently nineteen members and the meetings are Chaired by Chief Judge Bailin.

The cost of testing for twenty individuals is \$17,055.70 per year. All participants are responsible for paying for their treatment, unless they are in a Tribal community.

Participants involved in the DUI Courts program, receive frequent testing and must be tested three times a week to ensure sobriety.

There are currently five DUI courts in operation. The Greeley DUI court was opened in January 2010, Fort Collins will be opening in May 2010. Denver County will be attending this year's DWI Court training in Santa Ana, CA to prepare for future planning and operation.

The Pagosa Springs Court is developing a 501©3 corporation to continue their court.

Judge Plough (via phone conference)

Drug court participants must be separated from DUI court participants because those individuals have two different personalities. DUI courts are handled in County Court and Drug Court is handled in District Court because they are at a felony level.

If an individual tests positive for alcohol, if they are not in treatment or if they have missed a probation appointment, the individual is taken into custody in the courtroom and must spend a weekend in jail.

The staffing team for this court consists of a District Attorney, Public Defender, a Treatment Provider, Probation Officer a Drug Court Coordinator and a Drug Court Coordinator for the District.

When an individual participation is terminated, they must spend one hundred and thirty-five days in county jail. Therefore, a total of one hundred and eighty days must be served.

At this time, there are fifteen individuals actively participating in the DUI court. Several of those involved are close to graduation. Two out of the fifteen are not doing well.

| Steve Wrenn – Weld County District Attorney’s Office-~~SO~~

The first official meeting and kickoff was January 21, 2010. The 19<sup>th</sup> Judicial District’s DUI Court program has been in existence for more than a year. The first DUI Court planning meeting was held in November 2008. The funding sources are private contracted Probation agencies as well as the Weld County Sheriff’s office.

The Weld County DUI Court will target repeat drunk driving offenders who abuse alcohol at a high level or who are alcohol dependent and whose assessment, including amenability to treatment, require intensive supervision and treatment.

Any individual who participates in this program must voluntarily agree to participate in the DUI Court program and has the motivation to change.

Individuals must be 18 years of age or older.

Three plus DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) or two DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) and the Defendant is before the court in Weld County DUI/DWAI probation or deferred sentence violation.

This individual cannot have any other cases pending in Weld County that would prevent them from participating in the program.

If the participant demonstrates compliance and a progress in treatment, they are awarded incentives. If the individual continues to use drugs and alcohol or violates the program rules, sanctions will be imposed.

Some of the issues that have been discovered are:

- not having funds to pay the interpreters to sit through every court appearance and treatment sessions
- translating the manuals and handbook

DUI Courts vs. Drug Courts

Drug offenses are felonies, the incentive to participate is so much greater because if you do not, you are going to prison.

When an individual is sentenced from a DUI Court, the most a person can be given is a year in jail. Most participants would rather do 300 days in jail, than to do 90 days work release and all of the other work. If an individual is facing prison time, they are more likely to participate in the program.

January 20, 2010 – DUI Recommendations (Tom Quinn, Judicial)

Review of DUI Recommendations from the January 20, CCJJ Drug Policy Task Force

Review of Representative Levy’s (amended) proposal to the DUI bill

III. Legislative review (Tom Lorz, CDOT)

Review of HB1090. Sponsored by Waller and Morse. Jail Sentence Driving Under Restraint. Eliminating the mandatory five day jail sentence for persons convicted of driving a motor vehicle while they have a restraint on their license for any reasons other than DUI. This bill was scheduled for its first hearing on January 28 in house Judiciary.

HB1104. Sponsored by Representative Looper and Senator Williams. Concerns Veteran's Treatment Court. Veteran's and offenses that they commit. The bill specifically relates to alcohol related and drug use.

SB110. Sponsored by Senator Williams and Representative Ryden. Primary Seat Belt Law. Concerning the enforcement of offense involving failure of certain persons in a vehicle to use an appropriate restraining device.

IV. Introduction of new member (Victim Representative)

The individual who was selected as the Victim Representative has chosen not to participate in the Task Force.

Emily Tompkins (MADD) will meet with other individuals who would like to potentially be representatives.

Motion, to have the candidates interested in representing A Person Under Twenty-Four Years Of Age Who Is Enrolled in a Secondary or Postsecondary School candidates attend the ITFDD meeting.

Accepted  
Passed

Emily Tompkins has agreed to take the lead on finding candidates who are interested in representing A Person Under Twenty-Four Years Of Age Who Is Enrolled in a Secondary or Postsecondary School.

Motion to vote on those individuals interested in being a Victim representative on the task force via email.

Accepted  
Passed

Motion to vote on the candidates interested in representing the Under Twenty-Four Years individuals.

Accepted  
Passed

V. Review of Annual Report

Copies of the 2010 ITFDD Annual Report were distributed to all of the attendees at the ITFDD meeting.

The report was delivered to the Legislature before the January 15 deadline.

VI. Other Agenda Items

The next meeting will held on February 19, 2010 at CDOT, from 9:00 am - noon.

VII. Adjourn